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OGC 74-1361

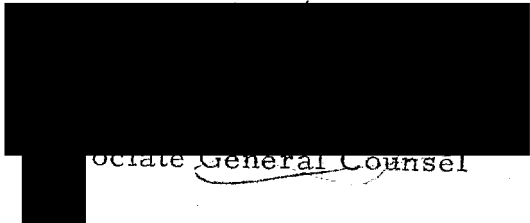
7 August 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Annual Report to the Attorney General on  
Wiretapping and Electronic Eavesdropping

1. A memorandum, dated 16 June 1967 from the Attorney General to the Heads of Executive Departments and Agencies entitled Wiretapping and Electronic Eavesdropping sets forth certain procedures with regard to the interception of telephone conversations and the use of monitoring equipment. This memorandum also called for an annual report to be sent to the Attorney General by the Head of "Each Investigative Agency" listing all circumstances where mechanical or electronic surveillance equipment was used by such agency during the previous year.
2. Our reading of the original memorandum and the amendments thereto of 16 October 1972 and 4 September 1973 conclude that the report called for does not apply to the CIA. The original document referred specifically to "agencies having any responsibility for law enforcement" and also set forth an exclusion under section III National Security which exempts investigations related to the protection of the national security. The National Security Act of 1947 (50 USCA 403(d)(3)) states "That the Agency shall have no police, subpoena, law-enforcement powers, or internal security functions," therefore the CIA should not be considered as having a law enforcement responsibility nor should CIA be considered an investigative agency.
3. This matter has been discussed with Mr. John S. Warner who agrees that CIA will no longer send an annual report to the Attorney General on this matter. The CIA has entered into a written agreement with the Attorney General whereby the approval of the Attorney General will be obtained prior to the CIA initiating electronic surveillance of U. S. citizens overseas.

4. It may be useful for the CIA internal management purposes to get an annual report on the inventory of electronic surveillance equipment and a status report on the number of times the equipment has been used and the targets it was used against. This type of information might very appropriately be given to the Inspector General for his retention.

  
Associate General Counsel

cc: Inspector General  
D/Security ✓

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